

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GEORGE S. WORKINGER,

Plaintiff,

v.

WILLIAM J. HENDERSON,
Postmaster General,

Defendant.

CIVIL ACTION NO. 1:CV-01-130

Judge Kane

FILED
HARRISBURG

SEP 12 2002

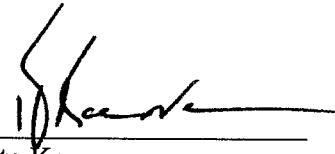
MARY E. D'ANDREA, CLERK
Per.  DEPUTY CLERK

ORDER

Before this Court is Defendant's Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Because the Plaintiff is a *pro se* petitioner, this Court must construe all complaints and pleadings liberally. See Boag v. MacDougall, 454 U.S. 364, 365 (1982); Todaro v. Bowman, 872 F.2d 43, 44 n. 1 (3d Cir. 1989). The Plaintiff's initial and amended complaints, read liberally, allege three separate claims; 1) The manner in which the Defendant discharged the Plaintiff violated the terms of the National Rural Letter Carrier's Association ("NRLCA") Collective Bargaining Agreement with the United States Postal Service ("USPS"), 2) a violation of the Age Discrimination in Employment Act, ("ADEA") 29 U.S.C. § 623, and 3) Violation of 42 U.S.C. § 1983. The parties have only briefed the ADEA and § 1983 claims. Neither party addressed the alleged violation of the collective bargaining agreement between USPS and the NRLCA.

THEREFORE, IT IS ORDERED THAT:

1. The Defendant shall file his brief in support of the Motion to Dismiss by September 30, 2002.
2. The Plaintiff shall file his response brief by October 15, 2002.
3. The Defendant shall file his reply brief by October 28, 2002.



Yvette Kane
United States District Judge

Date: 12 Sept, 2002